

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sebastian Saavedra	Team: Squad #1	CCRB Case #: 201908978	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/11/2019 7:36 PM	Location of Incident: 60th Precinct stationhouse	Precinct: 60	18 Mo. SOL 4/11/2021	EO SOL 11/26/2021	
Date/Time CV Reported Fri, 10/11/2019 9:55 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 10/11/2019 9:55 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Kennedy	20564	958750	060 PCT
2. LT Michael Desposito	00000	948876	060 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Frank Bulzoni	02681	936258	060 PCT
2. LT Thomas Cunningham	00000	924808	060 PCT
3. POM Christophe Collins	08723	961702	060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Kennedy	Discourtesy: Police Officer Michael Kennedy spoke discourteously to § 87(2)(b)	
B.LT Michael Desposito	Abuse: Lieutenant Michael Desposito did not process § 87(2)(b) complaint regarding an officer.	

Case Summary

On October 11, 2019, § 87(2)(b) filed the following complaint via the CCRB's on-line website.

On October 11, 2019, § 87(2)(b) went to the 60th Precinct Stationhouse to check on her son, § 87(2)(b) who had recently been arrested. Police Officer Michael Kennedy, assigned to the 60th Precinct, called § 87(2)(b) a "piece of shit" (**Allegation A: Discourtesy-** § 87(2)(g)). § 87(2)(b) told Lieutenant Michael Desposito, also assigned to the 60th Precinct, that she wished to file a complaint against PO Kennedy, and Lt. Desposito pointed her to a sign inside the stationhouse displaying the CCRB phone number (**Allegation B: Abuse of Authority-** § 87(2)(g)).

There is no video associated with this case. § 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Michael Kennedy spoke discourteously to § 87(2)(b)

Allegation (B) Abuse of Authority: Lieutenant Michael Desposito did not process § 87(2)(b) complaint regarding an officer.

§ 87(2)(b) testified that she entered the 60th Precinct station house after receiving a call that her son § 87(2)(b) had been arrested. § 87(2)(b) asked PO Kennedy for information about her son. PO Kennedy told her he could not help her and entered the Community Affairs' Office. § 87(2)(b) heard PO Kennedy tell PO Bulzoni, who was inside the Community Affairs Office, that § 87(2)(b) son was a "piece of shit." § 87(2)(b) then entered the Community Affairs Office and spoke to PO Bulzoni. She told him that she heard PO Kennedy call her son a "piece of shit," and that she would not tolerate his behavior. § 87(2)(b) returned to the precinct lobby and spoke to Lt. Michael Desposito, who was on his way out of the station house and told him that she was looking to file a complaint about PO Kennedy. Lt. Desposito pointed her to a piece of paper on the wall with the CCRB's phone number and walked out of the stationhouse (Board Review 01).

PO Kennedy was assigned as the telephone switchboard (T/S) operator at the time of this incident. He testified that § 87(2)(b) entered the 60th Precinct stationhouse and immediately began swearing at him and demanding to see her son. PO Kennedy told her that she would have to wait for his arresting officer to obtain information about her son. PO Kennedy did not recall § 87(2)(b) requesting to file a complaint while inside the stationhouse and did not recall her interacting with any other officers while there. Further, PO Kennedy stated that after he spoke to her, § 87(2)(b) did not specifically speak to anyone, including the Community Affairs officer, and instead yelled at all the officers present. PO Kennedy denied calling § 87(2)(b) son a "piece of shit" (Board Review 02).

PO Bulzoni, a community affairs officer, testified that he was in his office at the time § 87(2)(b) entered the 60th Precinct stationhouse. PO Bulzoni heard § 87(2)(b) speaking to the arresting officer for her son's arrest but could not understand the conversation. PO Bulzoni did not know the name of his arresting officer. PO Bulzoni exited his office, at which time § 87(2)(b) was no longer speaking to an officer and was talking on her cell phone. PO Bulzoni asked § 87(2)(b) what happened, and she explained to him that her son had been arrested, and asked PO Bulzoni several questions about the arrest process which PO Bulzoni did not recall specifically. The arresting officer for § 87(2)(b) son (identified by the investigation as Police Officer Cristophe Collins of the 60th Precinct) subsequently entered PO Bulzoni's office, and asked PO Bulzoni what he and § 87(2)(b) had spoken about, and why § 87(2)(b) had called him an "asshole" and a racist. PO Bulzoni explained to the PO Collins that § 87(2)(b) had requested information about the arrest process and advised him to disregard § 87(2)(b) and work on his arrest report. PO Bulzoni did not recall who this officer was. § 87(2)(b) entered PO Bulzoni's office and asked him why the arresting officer had called her an "asshole." PO Bulzoni told § 87(2)(b) that nobody had called her an "asshole,"

but that officers were upset that she had called them “assholes” and racists. § 87(2)(b) told PO Bulzoni that she planned to file a complaint against her son’s arresting officer. PO Bulzoni told her that he would be in his office if she needed anything, and § 87(2)(b) immediately walked out before PO Bulzoni could continue speaking to her. PO Bulzoni stated that he was familiar with PO Kennedy and PO Kennedy was not present during the time that he interacted with § 87(2)(b). PO Bulzoni denied hearing any officer call § 87(2)(b) son a “piece of shit” (Board Review 03).

Lt. Desposito testified that, although he recalled the arrest of § 87(2)(b) he did not independently recall this incident. Lt. Desposito did not recall whether PO Bulzoni or PO Kennedy were at the stationhouse that day. When shown a photograph of § 87(2)(b) he was not familiar with her. He did not recall § 87(2)(b) nor any civilian visiting the 60th Precinct stationhouse on October 11, 2019, to request information regarding § 87(2)(b) arrest or to file a complaint against any officer. He did not recall any officer calling § 87(2)(b) a “piece of shit.” Lt. Desposito stated that, to his understanding, a civilian wishing to file a complaint against an officer could do so at the stationhouse, call the CCRB directly, or do so by mail. He further stated that generally, if a civilian were to request to file a complaint with him directly, he would personally take the complaint (Board Review 04).

Officers are prohibited from using discourteous or disrespectful language towards civilians, NYPD Patrol Guide Section 203-10 (Board Review 05).

When a civilian makes a complaint regarding another officer, an officer is required to interview the civilian, provide them with a complaint form, and assist them in filling it out if necessary. If said civilian does not wish to immediately provide the details of their complaint, the officer is required to provide them with a complaint form, inform them of how it can be submitted, and provide them with the CCRB’s phone number, NYPD Patrol Guide Section 207-31 (Board Review 06).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 07).
- PO Michael Kennedy has been a member-of-service for four years and has been a subject in one prior CCRB complaint and three allegations, none of which were substantiated. § 87(2)(g)
- Lt. Desposito has been a member-of -service for 10 years, and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

CCRB Case # 201908978

- § 87(2)(b) declined to mediate this complaint.
- As of March 29, 2020, the New York City Office of the Comptroller has no record of a Notice of Complaint being filed in regards to this complaint (Board Review 11).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 1

Investigator: Inv. Sebastian Saavedra 10/05/2020
Signature Print Title & Name Date

Squad Leader: Mgr. Joy Almeyda 10.6.20
Signature Print Title & Name Date

Reviewer:
Signature Print Title & Name Date